

Frank S. Hedin (Pro Hac Vice Application Pending)

HEDIN HALL LLP

1395 Brickell Avenue, Suite 1140

Miami, Florida 33131

Tel: 305.357.2107

Fax: 305.200.8801

fhedin@hedinhall.com

DAVID W. SCOFIELD – 4140

PETERS | SCOFIELD

A Professional Corporation

7430 Creek Road, Suite 303

Sandy, Utah 84093-6160

Telephone: (801) 322-2002

Facsimile: (801) 912-0320

E-Mail: dws@psplawyers.com

Attorneys for Plaintiffs and the Putative Class

**UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

<p>KLAY ANDERSON and JOSE URRUTIA, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">THE ECONOMIST NEWSPAPER NA INC. Defendant.</p>	<p>STIPULATED MOTION TO ENLARGE MOTION TO DISMISS BRIEFING SCHEDULE</p> <p>Case No. 2:23-cv-00878-HCN-DAO</p> <p>District Judge Howard C. Nielson, Jr. Magistrate Judge Daphne A. Oberg</p>
--	--

By and through counsel, Plaintiffs Klay Anderson and Jose Urrutia and Defendant the Economist Newspaper NA Inc. (collectively “the Parties”) file this Stipulated Motion to Enlarge Motion to Dismiss Briefing Schedule and state as follows:

Relief requested: The Parties request a two-week enlargement of time to file their opposition to Defendant’s Motion to Dismiss and Compel Arbitration (ECF No. 21) and reply

thereto respectively, to, and including, July 1, 2024 for Plaintiff's opposition, and July 29, 2024, for Defendant's reply. Under DUCivR 7-1(1)(4), Plaintiffs' opposition is presently due on June 17, 2024 and Defendant's reply is due July 1, 2024.

Grounds: This is a putative class action which alleges that Defendant violated Utah's Notice of Intent to Sell Nonpublic Personal Information Act, Utah Code Ann. § 13-37-101, *et. seq.* (the "NISNPIA") by renting, selling, exchanging, and otherwise disclosing Nonpublic Personal Information it obtained through its sales of products to Utah consumers without first providing consumers notice required under the NISNPIA statute. Defendant's Motion to Dismiss, which was filed on May 20, 2024, seeks dismissal of Plaintiffs' claims on several grounds – that Plaintiffs lack Article III standing, that the action cannot be maintained as a class action (and hence that the Court lacks jurisdiction), that Plaintiffs have failed to state a claim under the statute because Defendant is not a covered "commercial entity" under the NISNPIA statute and, separately, because Plaintiffs' Complaint insufficiently alleges that Defendant disclosed Plaintiffs' and the class's non-public information. Alternatively, Defendant seeks to compel Defendant Urrutia to arbitration claiming he assented to arbitrate disputes with Defendant by agreeing to Defendant's terms and conditions during his purchase of a subscription to Defendant's magazine on its website.

The NISNPIA has not been the subject of much litigation and Defendant's motion raises several issues of first impression. Plaintiffs seek an additional two-weeks to respond to Defendant's legal and factual arguments and, because of Plaintiffs' counsel's travel schedule, counsel requires additional time to prepare an opposition which fully addresses Defendant's multiple grounds for dismissal and to compel arbitration. Defendant seeks, and Plaintiff does not

oppose, a similar enlargement of time for its reply. Accordingly, the Parties respectfully requests that the Court extend the respective briefing deadlines on the motion to dismiss as follows:

Plaintiff's Opposition due: July 1, 2024

Defendant's Reply due: July 29, 2024

A proposed form of Order is attached.

Respectfully Submitted,

DORSEY & WHITNEY LLP

PETERS | SCOFIELD

A Professional Corporation

/s/ Maryann Bauhs

MARYANN BAUHS

*(signed by filing attorney with permission of
Defendant's attorney)*

*Counsel for the Economist Newspaper NA
Inc.*

/s/ David W. Scofield

DAVID W. SCOFIELD

Counsel for Plaintiffs and the Putative Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused the foregoing **MOTION FOR TWO WEEK ENLARGEMENT OF TIME TO FILE OPPOSITION TO MOTION TO DISMISS** to be filed with the Court through its CM/ECF system, this 14th day of June, 2024, which will serve copies hereof electronically on the following counsel registered for CM/ECF notification:

Milo Steven Marsden— marsden.steve@dorsey.com

Nimra Azmi – NimraAzmi@dwt.com

Sean Sullivan – seansullivan@dwt.com

Sharon Schneier - sharonschneier@dwt.com

Maryanne Bauhs - bauhs.maryann@dorsey.com

/s/ David W. Scofield